

Sim, Lowman, Ashton & McKay LLP
Barristers & Solicitors**Sim & McBurney**
Patent & Trade Mark Agents6th Floor, 330 University Avenue
Toronto, Ontario, Canada M5G 1R7**Tel. (416) 595-1155 • Fax (416) 595-1163****RECEIVED**
CENTRAL FAX CENTER
MAY 22 2007

DATE: May 22, 2007

Application No: 10/524,873

Our Ref: 2127-53 MIS:jb

TO:	FAX #	PHONE #
US Patent and Trademarks Office Mail Stop <u>Petition</u>	(571) 273-8300	

Total Number of Pages (Including This Page): 40

FROM: Michael I. Stewart / 416-849-8400

COMMENTS:

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T-868 P.002 F-092

MAY 22 2007

PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

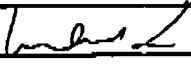
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM	Application Number	10/524,673
	Filing Date	
	First Named Inventor	Leonid Beitelman
	Art Unit	
	Examiner Name	
(to be used for all correspondence after initial filing)		
Total Number of Pages in This Submission	39	Attorney Docket Number 2127-53 MIS:jb

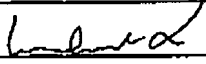
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD. Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration and Power of Attorney
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Sim & McBurney		
Signature			
Printed name	Michael I. Stewart		
Date	May 22, 2007	Reg. No.	24,973

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Michael I. Stewart	Date	May 22, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAY 22 2007

PTO/SB/17 (05-07)

Approved for use through 05/31/2007. OMB 0851-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.
 Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2007

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number	10/524,873
Filing Date	
First Named Inventor	Leonid Beitelman
Examiner Name	
Art Unit	
Attorney Docket No.	2127-53 MIS:jb

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 192253 Deposit Account Name: Sim & McBurney
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity Fee (\$)	Fee Paid (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>
- 20 or HP = _____	x _____	= _____
HP = highest number of total claims paid for, if greater than 20.		
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>
- 3 or HP = _____	x _____	= _____
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Late Filing Surcharge fee (130.00)

130.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 24,973	Telephone 416-849-8400
Name (Print/Type)	Michael J. Stewart		Date May 22, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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05/23/2007 15:24:13 10524873 130.00 DA 01 FC:1051

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl'n. No. : 10/524,873
Applicant : Leonid Beitelman
Filed : February 17, 2005
Title : COOLING ELECTROMAGNETIC STIRRERS
Docket No. : 2127-53 MIS/jb
Customer No.: 24223
Date : May 22, 2007

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BY FACSIMILE 571-273-8300

Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
U.S.A.

PETITION UNDER 37 CFR 1.181 FOR WITHDRAWAL OF ABANDONMENT

Sir:

No Notice of Abandonment has been received on this application, but the undersigned understands that the application stands abandoned for failure to timely respond to a Notification of Missing Requirements dated September 15, 2005. The undersigned's understanding in this regard arises from a telephone conversation with Ms. Cynthia Kratz of the PCT Legal Office. It is understood from that conversation that the notification was correctly addressed.

The undersigned states that the Notification dated September 15, 2005 has not been received. In evidence, enclosed herewith is a copy of our records of received mails from the Canadian and US Patent Offices for a period of one month following the September 15, 2005 date, showing no indication of receipt of correspondence relating to this filing.


Accordingly, Petition is hereby made under the provisions of 37 CFR 1.181 to withdraw the abandonment and to restore the application to pending status. In further support of this Petition, enclosed herewith are:

Application No. 10/524,873

2

1. Declaration and Power of Attorney executed by the inventors;
and
2. Authorization to charge the Surcharge Fee to our deposit
account.

Respectfully submitted,



Michael I. Stewart
Reg. No. 24,973

Toronto, Ontario, Canada
Phone No.: (416) 849-8400
FAX No.: (416) 595-1163

APR 18 2005

Page 1 of 4

Express Mail Label No.

Docket No.
2127-53 MIS:jb

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
COOLING ELECTROMAGNETIC STIRRERS

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on 08/19/2003 as United States Application No. or PCT International
Application Number PCT/CA2003/001209
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

10/206,182

(Application Serial No.)

08/20/2002

(Filing Date)

Pending

(Status)
(patented, pending, abandoned)

PCT/CA2003/001209

(Application Serial No.)

08/19/2003

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

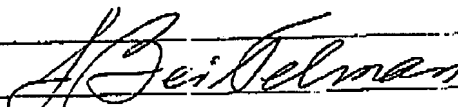
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

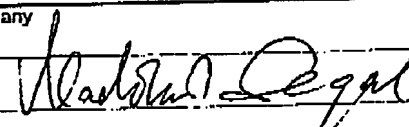
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

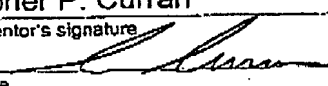
Michael I. Stewart	(Reg. No. 24,973)	John H. Woodley	(Reg. No. 27,093)
Stephen J. Perry	(Reg. No. 32,107)	Patricia A. Rae	(Reg. No. 33,570)
David A. Ruston	(Reg. No. 34,495)	Lola A. Bartoszewicz	(Reg. No. 43,394)
Geoffrey B. deKleine	(Reg. No. 50,216)	Kimberly A. McManus	(Reg. No. 54,791)
Matthew D. Powell	(Reg. No. 55,767)		

Send Correspondence to: Sim & McBurney
6th Floor, 330 University Avenue
Toronto, Ontario
Canada, M5G 1R7.

Direct Telephone Calls to: (name and telephone number)
Michael I. Stewart (416) 595-1155

Full name of sole or first inventor	Leonid Beitelman	
Sole or first inventor's signature		Date 04/20/05
Residence	Thornhill, Ontario, Canada	
Citizenship	Canadian	
Post Office Address	10 Parklawn Crescent, Thornhill, Ontario, Canada, L3T 6X1.	

Full name of second inventor, if any	Vladimir Segal	
Second inventor's signature		Date 05/03/05
Residence	Livingston, New Jersey, USA	
Citizenship	US	
Post Office Address	45 Brandon Avenue, Livingston, New Jersey 07039, United States of America.	

Full name of third inventor, if any	
Christopher P. Curran	
Third inventor's signature	Date
	04.20.05
Residence	
Pontypool, Ontario, Canada	
Citizenship	
Canadian	
Post Office Address	
31 Hooper Drive, Pontypool, Ontario, Canada, L0A 1K0.	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

**THURSDAY 15
SEPTEMBER**

258-107

2129990 PARNA	2238430 MISNA	7:00
2132515 PARNA	225008 PARNA	7:30
2157668 PARNA	2253574 PARNA	8:00
2243942 PARNA	2270770 MISNA	8:30
2221463 PARNA	2294323 PARNA	9:00
2433707 PARNA	2414178 PARNA	9:30
2383207 PARNA	2415532 PARNA	10:00
11/035086 MIS US		10:30
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16
FRIDAY
SEPTEMBER

259-106

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SATURDAY 17
SEPTEMBER

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18 SUNDAY
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MONDAY
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SEPTEMBER

262-103

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2142330 JHWA	2394692 ? ABO	9:00
2247845 PARWA	2454831 JHWA	9:30
2353371 ? ABO	2047899 MISAA	10:00
2212753 PARWA	2233869 LABWA	10:30
2198209 MISAA	2329624 PARAA	11:00
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20 TUESDAY
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WEDNESDAY
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22 THURSDAY
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2414977 CAB NA 10/507 339 MIS US

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229876 THW ON

24 SATURDAY
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SUNDAY 25
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● National Police and Peace Officers' Day (Can.)

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26 MONDAY
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28 WEDNESDAY
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**THURSDAY 29
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evening

Browline

30 FRIDAY
SEPTEMBER 273-92

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evening

Brownline

**SATURDAY 1
OCTOBER**

274-91

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evening

w/line*

**2 SUNDAY
OCTOBER**

275-90

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evening

Brooklyn

MONDAY 3
OCTOBER

276-89

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evening

2411559 DARABA
2153602 DARABA

browline

4 **TUESDAY**
OCTOBER

277-88

Rosh Hashanah

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evening

Brownline

WEDNESDAY 5
OCTOBER

278-87

Rash Hashanah

10/4/3371 MVSUS

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evening

Eropline

**THURSDAY
6 OCTOBER**

279-86

7:00	2340430	MISABO	2234716	PAROA
7:30	2197185	PARABO	2414325	CARBOA
8:00	2339790	PARABO	2363487	MISABO
8:30	1306137	PARABO	2268235	PAROA
9:00	2197985	MISABO	2468006	THAWAO
9:30	2410178	MISABO		
10:00	2208396	PARABO		
10:30	2241842	PARABO		
11:00	2225045	PARABO		
11:30	2269022	THAWAO		
12:00	10/424721	MISABO		
12:30	2436142	PAROA		
1:00	2463033	MISABO		
1:30	2225713	MISABO		
2:00	2432064	THAWAO		
2:30	2434947	THAWAO		
3:00	2435138	THAWAO		
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evening				

Browline

FRIDAY
7
OCTOBER

280-85

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evening

2383611 THWNA

2361915 OARNA

rowline

**8 SATURDAY
OCTOBER**

281-84

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evening

Brownline

**SUNDAY 9
OCTOBER**

282-83

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evening

Brownline

**10 MONDAY
OCTOBER**

283-82

Thanksgiving Day (Can.)
Columbus Day (USA) ●

7:00	236
7:30	227
8:00	250
8:30	221
9:00	224
9:30	246
10:00	234
10:30	127
11:00	204
11:30	218
12:00	235
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evening	

Browline

**TUESDAY
OCTOBER 11**

284-81

King Day (Cont.)
us Day (U.S.A.)

2365075 JAWNA	2339862 PARABA	7:00
2278910 STANA	2354969 PARABA	7:30
2302054 PARNA	2212843 STPARA	8:00
2212406 JAWNA	2437552 DARABA	8:30
2247919 JNA	2437202 DARABA	9:00
2462725 LABNA	2457737 JAWNA	9:30
2340434 MISABA	2280248 DARABA	10:00
1272573 MISMF	2239006 DARABA	10:30
2049269 LABMF	2416028 JAWNA	11:00
2183228 PARMF	2203841 STPARA	11:30
2354963 PARABA	2314811 JAWNA	12:00
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		evening

Browning

12 WEDNESDAY
OCTOBER

205-80

7:00 2315315 MLS ABO
7:30 2230351 THW ABO
8:00 ~~2230351~~
8:30 2370520 STP ABO
9:00 2341820 DAR ABO
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evening

Brownline

THURSDAY
OCTOBER 13

286-79

Yoni Kipper

2028 252 STPOA 10/20/339 HISSUS 7:00
2265356 TANIOA 7:30
2171357 TANIOA 8:00
2327476 PAROA 8:30
2315249 PARAS 9:00
10/094962 HISSUS 9:30
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evening

Browning

14 FRIDAY
OCTOBER

287-78

7:00 2413659 THW OA

7:30 2144068 DAR OA

8:00 2427053 DAR OA

8:30 2337145 MIS NA

9:00 2387226 THW NA

9:30 2241535 THW NA

10:00 2213055 MIS NA

10:30 2247843 LAB NA

11:00 2093648 DAR OA MIS NA

11:30 2368720 LAB NA

12:00 2254939 LAB NA

12:30 60/318330 MIS US

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eventing

Erowline

**SATURDAY 15
OCTOBER**

288-77

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evening